

Notice of Oral *Ex Parte* Presentation

March 3, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of
Unlicensed Operation in the 3650-3700 MHz, ET Docket No. 04-151;
Additional Spectrum for Unlicensed Devices Below 900 MHz and the 3
GHz Band, ET Docket No. 02-380; and
Amendment of the Commission's Rules With Regard to the 3650-3700
MHz Government Transfer Band, ET Docket No. 98-237.

Dear Ms. Dortch:

On March 2, 2005, Michael Chartier and Marjorie Dickman of Intel met with Sam Feder of Commissioner Martin's office, Barry Ohlson of Commissioner Adelstein's office, Paul Margie of Commissioner Copps' office, and John Branscome of Commissioner Abernathy's office regarding the above proceedings.

In the course of these meetings, Intel made the following statements:

The 3650 to 3700 MHz spectrum should be allocated in a manner which would provide expeditious, low cost access to this spectrum for rural WISPs and promote efficient use of this spectrum in congested MSAs. Specifically, the FCC should prescribe unlicensed use (with no contention etiquettes) in rural areas (*i.e.*, outside the Top 50 MSAs) and licensed use in the Top 50 MSAs. Intel believes that this compromise proposal addresses the needs of WISPs in rural areas without sacrificing efficient spectrum use in the congested MSAs.

Indeed, exclusive licensing is the best way to foster long range, wireless broadband deployment, especially in congested areas. Exclusive licensing would foster the optimal QoS and business investment certainty in these markets – results not possible with self-coordination.

In addition, contention etiquettes – as a means to solve “tragedy of the commons” problems inherent in unlicensed spectrum use for long range services – would be problematic from both a theoretical and a practical standpoint. Such etiquettes would promote gamesmanship among competing providers and cause administrative delay. That is, if the approval process for the contention etiquette has any “teeth,” it would likely lead to significant delay. Moreover, “listen before talk,” or sensing, techniques only work well for short range, low power applications; they do not work well for long range, high power services such as those envisioned in the 3650 to 3700 MHz spectrum. Contention etiquettes also preclude the use of directional antennas, which are a key component of long range broadband applications.

Finally, a licensing approach should not create significant market power problems in the Top 50 MSAs. In these markets, there are or will likely be several wired and wireless broadband alternatives, including DSL and cable modem and advanced wireless services at the 1.5, 1.7, 2.1, and 2.5 GHz bands.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to each of the abovementioned parties. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Marjorie J. Dickman

Marjorie J. Dickman
Intel Corporation
Senior Attorney, Government Affairs

cc:

Sam Feder, Legal Advisor to Commissioner Martin

Barry Ohlson, Senior Legal Advisor to Commissioner Adelstein
Paul Margie, Legal Advisor to Commissioner Copps
John Branscome, Acting Legal Advisor to Commissioner Abernathy